

***DRAFT 8/1/11 – SUBJECT TO CHANGE***  
***For Review and Adoption by DSC at August 26, 2011 Meeting***  
**DELTA STEWARDSHIP COUNCIL**  
**July 29, 2011**  
**West Sacramento City Hall Galleria**  
**1110 West Capitol, Avenue, West Sacramento, California**

**MEETING SUMMARY**

Note: Copies of all Council meeting agendas and links for all documents can be found at the DSC website, [www.deltacouncil.ca.gov](http://www.deltacouncil.ca.gov). Specific links are provided in the meeting summary for those items that are not submitted in advance.

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***Friday, July 29, 2011, 9:00 a.m. – 5:00 p.m.***

**1. Welcome and Introductions**

The meeting was called to order at 9:00 a.m., July 29, 2011, by Chair Phillip Isenberg.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present: Hank Nordhoff, Patrick Johnston, Randy Fiorini, Phillip Isenberg, and Don Nottoli. The following members were absent: Felicia Marcus and Gloria Gray.

**3. Chair's Report**

The fourth staff draft of the Delta Plan had been posted on the Council's website on June 14, 2011, and the focus of this meeting is on the finance section, Chapter 9, with a panel of experts to discuss Delta Plan financing issues.

**4. Executive Officer's Report**

**a. Legislative and Legal Update**

There were no verbal Legislative Update. A list of legislation of interest to the Council is included in the meeting materials.

Debi Ores, the Council's summer legal intern, presented the Legal Update. Ms. Ores' report included an update on the Delta smelt litigation, litigation over the Army Corps Levee Policy, BDCP "Takings" litigation, and the Tehama-Colusa and Butte County cases involving area of origin disputes. The legal update is posted at this web address:

[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_4a\\_Legal\\_Update\\_4.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_4a_Legal_Update_4.pdf)

Chair Isenberg requested that at a future meeting the Council revisit the background material from the Attorney General's Office and others regarding Area of Origin, the Delta Protection Act, unquantified Water Rights and also to address the question of how riparian water rights apply to unquantified water rights.

**b. Quarterly Contracts Update**

Executive Officer Joe Grindstaff discussed the quarterly listing of the Council's contracts and grants included with the meeting materials. The listing included updated information for the second quarter, April through June.

**c. Delta Science Program Contract Amendment (Action Item)**

Mr. Grindstaff briefed the Council on Agenda Item 4c. The Delta Science Program Contract Amendment was an Action Item that requested the Council to direct the Executive Officer to amend an existing agreement with the Association of Bay Area Governments for scientific review services (approved by the Council in July 2010), increasing the amount by \$75,000 and extending the term of the agreement to June 30, 2012. The amendment would allow the Council to best use federal funds made available through an existing agreement with the U.S. Fish and Wildlife Service.

Prior to the discussion of Agenda Item 4c, Chair Isenberg left the room and Vice Chair Fiorini presided over the Council meeting in Chair Isenberg's absence. Following the discussion of the Agenda Item 4c, Vice Chair Fiorini called for questions or comments from the public – there were none.

Operating as a committee in the absence of a quorum, it was moved (Fiorini) and seconded (Nordhoff) to approve the motion as stated above, but no vote was taken due to the absence of a quorum. Vice Chair Fiorini and the Council continued the Executive Officer's report and upon the return of Chair Isenberg (and the establishment of a quorum), the pending motion to amend the agreement with ABAG was restated. A vote was taken and the motion was adopted (4/0: Nordoff, Fiorini, Isenberg, Nottoli).

**d. Implementation of the Delta Plan**

Mr. Grindstaff updated the Council on the Delta Plan schedule and stated the release of the 5<sup>th</sup> Staff Draft was delayed, which in turn would slightly delay the release of the EIR. He also discussed the numerous comments that had been received and stated that all comments must be addressed during the EIR 45-day comment period. Grindstaff stated the process was difficult and a new schedule, developed by Keith Coolidge, would be available, hopefully by the end of the day. Chris Stevens discussed the Delta Plan comment period and the statutory mandate to adopt and commence implementation of the Plan by January 1, 2012. Mr. Grindstaff provided clarification on the process and implementation of the Plan and answered other questions from the Council.

**e. Meeting Schedule for the Remainder of the Year**

The meeting schedule for the remainder of the year was not discussed.

**5. Lead Scientist's Report**

Lead Scientist Dr. Cliff Dahm reported on his participation in two meetings held in Spain - the 7<sup>th</sup> Symposium for European Freshwater Sciences and a river conservation workshop. He also discussed the recently-released review panel report on the Draft Plan for Adaptive Management of Fall Outflow for Delta Smelt Projection and Water Supply Reliability. The report is posted at <http://www.deltacouncil.ca.gov/independent-review-draft-plan-adaptive-management-fall-outflow-delta-smelt-protection-and-water-supply>.

Dr. Dahm announced the release of the latest issues of the San Francisco Estuary and Watershed Science as well as the Delta Science Program publication, Science News. The journal is posted at [http://escholarship.org/uc/jmie\\_sfews](http://escholarship.org/uc/jmie_sfews) and the Science News is posted at [http://archive.deltacouncil.ca.gov/delta\\_science\\_program/publications/sci\\_news\\_0711.html](http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711.html)

Dr. Dahm also discussed the Interagency Ecological Program's year-round fish monitoring surveys in the Delta. Dr. Dahm stated many of the surveys go back several decades and deliver annual fish indices that are used to track relative fish abundance over time. Dr. Dahm briefed the Council on the Department of Fish and Game's surveys for the spring "20-mm" and summer "towntnet" index. More information on the surveys can be found at <http://www.dfg.ca.gov/delta/data/>

**6. Adoption of April 28-29, 2011, May 12-13, 2011, June 16, 2011, June 23-24, 2011 Meeting Summaries (Action Item)**

The approval of the meeting summaries for April 28-29, May 12-13, June 16, and June 23-24, 2011 had been deferred to allow time for Council member review. Chair Isenberg asked the Council and members of the public if there were comments or questions on any of the summaries – there were none.

Chair Isenberg requested Chris Stevens review and confirm that the language used for the add-on votes for Agenda Item 6 in the June 23-24 meeting summary was acceptable. Mr. Stevens reviewed the language and agreed it correctly reflected the Council actions. Chair Isenberg suggested it would be helpful to standardize language for future use.

Chair Isenberg asked if there were any questions or comments from the Council or members of the public – there were none.

It was moved (Nottoli) and seconded (Nordhoff) to approve the meeting summaries for the April 28-29, May 12-13, June 16, and June 23-24, 2011. A vote was taken (4/0: Nordhoff, Fiorini, Isenberg, Nottoli) and the motion was adopted.

**7. East Bay Municipal Utilities District Aqueduct Levees Project (Action Item)**

Eric Nichol led the panel discussion of Agenda Item 7. The panel members were Eileen White, East Bay Municipal Utilities District (EBMUD); Gail Newton, Department of Water Resources; and Dante Nomellini, who represented several Reclamation Districts. The panelists briefed the Council on progress since the 2010 consideration of this item, and provided other clarification.

The purpose of the Council's approval was to facilitate funding by DWR for local projects consistent with the criteria established by the Legislature in Water Code §83002(a)(1). The requested action for the EBMUD Aqueduct Levees Project recommended that the Council approve five proposed projects for full funding based upon specified findings, conditioned upon DWR making the final CEQA determinations and funding decisions consistent with those findings, and including specified indemnification language in the funding agreements. The total State funds allocated by the proposed Council action would amount to \$19,983,460. Local cost share funds would be in addition to this amount.

Following the discussion, Chair Isenberg called for questions or comments from the public – there were none.

Prior to the motion and vote on Agenda Item 7, Member Fiorini stepped away from the meeting. It was moved (Nottoli) and seconded (Johnston) to approve the staff's recommendation as stated above. A vote was taken (4/0: Nordhoff, Johnston, Isenberg, Nottoli) and the roll held open for other members to record their votes. Upon his return, Mr. Fiorini cast an aye vote, and the motion was adopted (5/0: Nordhoff, Johnston, Fiorini, Isenberg, Nottoli).

## **8. Approval of Delta Plan Contact Amendment (Action Item)**

Joe Grindstaff briefed the Council on the Agenda Item 8, which would authorize the Executive Officer to (1) increase by \$3,500,000 the total amount of the contract with CH2MHill for completion of the Delta Plan and the associated EIR, and (2) approve new Task Orders to support the initial implementation of the Delta Plan. The increase of \$3,500,000 is within the Council's previously adopted budget.

Following a brief discussion of the item, Chair Isenberg asked if there were any questions or comments from the public – there were none.

It was moved (Johnston) and seconded (Nottoli) to approve the amendment, as stated above, for the Delta Plan contact. A vote was taken (5/0: Nordhoff, Johnston, Fiorini, Isenberg, Nottoli) and the motion passed.

## **9. Delta Plan Development – Focused Discussion on Finance Section of Delta Plan**

Chair Isenberg stating that the item was not for action, as incorrectly listed on the meeting notice, but for information only.

Allen Highstreet introduced the panel of experts who were gathered to present their thoughts on Chapter 9 of the Delta Plan, The Finance Plan Framework. Panel participants were Ellen Hanak, Public Policy Institute of California (PPIC), Dave Bolland, Association of California Water Agencies (ACWA); James Nachbaur, Legislative Analyst's Office (LAO); and Richard Sykes, EBMUD. The panel discussion covered subjects such as what finance mechanisms were appropriate for the various financing options. The Council was provided Funding Summaries for Propositions 50, 1E, and 84. Ellen Hanak and Dave Bolland provided the Council with handouts that were posted at

[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/HANAK\\_California%20WaterBlog,%20July\\_7\\_2011\\_Managing%20for%20Multiple%20Stressors%20in%20the%20Delta.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/HANAK_California%20WaterBlog,%20July_7_2011_Managing%20for%20Multiple%20Stressors%20in%20the%20Delta.pdf)  
and

[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_9\\_FINANCING\\_THE\\_DELTA\\_PLAN\\_ACWA\\_STATEMENT\\_DAVE\\_BOLLAND.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_FINANCING_THE_DELTA_PLAN_ACWA_STATEMENT_DAVE_BOLLAND.pdf)

The panelists answered questions and provided clarification for the Council. Following the panel discussion, Chair Isenberg called for public comment on Agenda Item 9.

### **Public Comment - Agenda Item 9:**

Mark Rentz, ACWA, provided the Council with an article from the Sacramento Bee on the Yuba Accord and suggested this might be an illustration of the kind of local efforts that the Council should recognize. The article Mr. Rentz handed out, "Viewpoints: Yuba River plan provides valuable lessons on teamwork" by Charles Hoppin, can be found at

<http://www.sacbee.com/2011/07/28/v-print/3799314/river.html>

Bob Riopel, Pacific Inter-Club Yacht Association, stated he felt operating costs (plans, admin, maintenance, oversight, etc.) should come from fees and only actual construction costs should be covered by bond or long-term financing – which would facilitate prioritization.

Tom Zuckerman, Central Delta Water Agency, felt the conversation today was interesting and he had a favorable response. Zuckerman stated he had been urging the Council to use a staged approach for some time. Zuckerman felt that local problems should be looked at on a regional level and with a staged approach. He also felt that there were some good things going on in the Delta that the Council should not put obstacles in front of them, such as the Delta Levee Standards. Zuckerman stated that Table 7.1 had pitfalls and that hazard mitigation was not a levee standard. He addressed dredging and felt that dredging needed to occur for flood control or levee maintenance projects. Zuckerman discussed levee standards and stated the Plan should distinguish between the Suisun Marsh and the Delta regarding the Delta Levees Subvention Program because he felt the Marsh was a separate issue. Zuckerman stated he would work with staff on specific language to address these issues.

#### **10. Public Comment**

Chair Isenberg asked if there were any members of the public wishing to address the Council on any matter. There were none.

#### **11. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date – August 25-26, 2011 Council Meeting that will be held at the Holiday Inn Capitol Plaza.**

At the conclusion of the meeting Joe Grindstaff announced he had a date he could commit to for the Council adopting the Plan – Mr. Grindstaff stated Keith Coolidge had worked out the schedule and the date would be December 23, 2011. Chair Isenberg asked the meeting summary to reflect this date and requested the date and schedule be addressed at the next meeting in August.

**The meeting was adjourned at 12:30 p.m.**